

17K 3743



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

REINHOLD ET AL.

Serial No.: 10/062,174

Filed: 1/31/02

Confirmation No.: 9372

Atty. File No.: 44902-00416

For: "INHALER WITH AIRFLOW
REGULATION"

) Group Art Unit: 3743

) Examiner: A. KOKABI

) RESPONSE TO RESTRICTION
) REQUIREMENT

<p style="text-align: center;">CERTIFICATE OF MAILING</p> <p>I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450 ON <u>6/11/04</u>.</p> <p style="text-align: center;">MARSH FISCHMANN & BREYFOGLE LLP</p> <p>BY: <u>Ruth E. Ostgulen</u></p>

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The Examiner has taken the position in an Office Action dated March 17, 2004, that the above-captioned patent application presents two different inventions, namely corresponding with Claims 1-23 (Group I) and Claims 24-36 (Group II). Applicant elects to pursue Claims 1-23 (Group I) in this patent application, and reserves the right to pursue Claims 24-36 (Group II) in a divisional application at the appropriate time.

The Examiner has also taken the position that multiple, patentably distinct species are being claimed in the above-captioned patent application, namely the species of Figure 1 (Species A), Figure 4 (Species B), and Figure 7 (Species C). Applicant hereby elects the species of Figure 1 (Species A). At least Claims 1-6 and 8-23 read on the species of Figure 1.

Notwithstanding the above-noted selection, Applicant notes that the claimed invention is more specifically directed to airflow regulation, such as disclosed in Figure 5 of the above-captioned patent application.

Enclosed is a check in the amount of \$420.00 as the fee for the Petition for Extension of Time. Please credit any overpayment or charge any underpayment to Deposit Account No. 50-1419.

In the event that a telephone conversation would further prosecution, the Examiner is invited to contact the undersigned.

Respectfully submitted,

MARSH FISCHMANN & BREYFOGLE LLP

By: 

James L. Johnson
Registration No. 34,193
3151 South Vaughn Way, Suite 411
Aurora, Colorado 80014
(701) 293-7680

Date: 6/11/04